

D/F

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TERENCE BODDIE,

Plaintiff,

- against -

NEW YORK STATE DIVISION OF PAROLE,

Defendant.  
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MATSUMOTO, United States District Judge:

On July 27, 2009, plaintiff Terence Boddie ("plaintiff" or "Boddie"), proceeding pro se, currently incarcerated at Mohawk Correctional Facility as a result of the parole revocation determination at issue in this suit, filed an amended complaint, dated July 20, 2009. (Doc. No. 47.) Plaintiff's amended complaint names as defendants, for the first time, New York State Division of Parole (the "Division of Parole") Chairperson Andrea D. Evans, as well as Sally A. Thompson who, according to the Division of Parole, is "one of 16 members of the parole Board . . . the function of which is primarily judicial . . . ." (Doc. No. 35, Letter dated April 29, 2009; see also Doc. No. 44, Memorandum & Order, dated July 7, 2009 ("July 2009 Order"), at 4.)

The Division of Parole now moves to strike Ms. Thompson "as a defendant from the amended complaint and the

NOT FOR PUBLICATION

ORDER

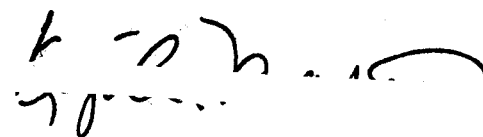
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caption." (Doc. No. 50, Letter dated Sept. 11, 2009.) The Division of Parole correctly points out that the court's July 2009 Order authorized plaintiff to name "Andrea D. Evans, not Ms. Thompson[,] . . . in her official capacity." (July 2009 Order at 8-9.) Indeed, the parties have agreed that Ms. Evans, not Ms. Thompson, is the proper party to this action. (See *id.*)

Because the naming of Sally A. Thompson as a defendant is beyond the scope of the leave permitted by the court's July 2009 Order, her name is hereby stricken from the caption and the claims against her are dismissed. Plaintiff shall consult the court's Pro Se Office to ensure proper and timely service of the amended complaint. This matter is respectfully referred to Magistrate Judge Bloom for pretrial supervision. The Clerk of the Court is respectfully requested to serve a copy of this Order upon plaintiff.

SO ORDERED.

Dated: Brooklyn, New York  
November 16, 2009



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KIYO A. MATSUMOTO  
United States District Judge  
Eastern District of New York